

2009-2010 SMALL GAME - FURBEARER PROCLAMATION

Pursuant to North Dakota law and upon the recommendation of the North Dakota Game and Fish Director (hereafter called "Director") I hereby declare an open season in 2009 and 2010 on certain species of wildlife, as hereafter identified, to be taken with archery equipment, gun, and raptors and for the harvest of certain furbearers.

1. Except as provided hereinafter or otherwise by law, no person shall hunt, trap, use a cable device (snare), kill, take, possess, or so attempt to hunt, trap, use a cable device, kill, take, or possess any small game or furbearer or parts thereof.
2. No person may possess or sell any live wildlife or release said wildlife into the wild without a permit from the Department.
3. **DEFINITIONS.** As hereinafter used, unless the content or subject matter otherwise requires: "Game" shall include any of those species of small game or furbearers as defined in Section 20.1-01-02 of the North Dakota Century Code. "Upland game" shall include sharp-tailed, sage and pinnated grouse (prairie chicken), Hungarian partridge, pheasants, ruffed grouse, and tree squirrels. "Waterfowl" shall include ducks, geese, swans, mergansers, and coots. "Migratory game bird" shall include ducks, geese, coots, mergansers, snipe, woodcock, cranes, swans, and doves. The Early September Canada Goose Season shall include those days proclaimed in August.

"Daily bag limit" means the maximum number of the particular game referred to in single or aggregate for which a bag limit is prescribed and that one hunter, legally licensed by this state, may take or kill for that species during a single hunting day, within the boundaries of this state to include Indian reservations.

"Possession limit" means the maximum number of the particular game referred (except waterfowl and migratory game birds) that a hunter, legally licensed by this state, may have in his/her actual possession during any phase of any single hunting trip, venture, or expedition of more than one day. The possession limit at ones personal permanent residence is unlimited. No more than a daily limit may be taken on any one day

"Possession limit for waterfowl and migratory game birds" means the maximum number of migratory game birds of a single species or a combination of species permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed

4. **HOURS OF HUNTING** shall be prescribed by Central Daylight Time starting August 1, 2009 through October 31, 2009 and thereafter prescribed by Central Standard Time starting November 1, 2009.

Hours of hunting for upland game, dove, snipe, swans, woodcock, crow and Canada geese, during the Early September Canada Goose Season, shall be from one-half hour before sunrise to sunset each day. Sandhill crane hunting shall be from one-half hour before sunrise to 1 p.m. each day, including the opening day, through October 31, 2009. Starting November 1, 2009, shooting hours for sandhill cranes shall be from one-half hour before sunrise to 2 p.m. each day. Hours for hunting mink, muskrat, and weasel with firearms and archery equipment shall be from one-half hour before sunrise to one-half hour after sunset each day. Hours for hunting red and gray fox, bobcat, coyote, beaver, raccoon and badger with firearms, archery equipment, and dogs shall be from one-half hour before sunrise to one-half hour after sunset each day except for fox and coyote outlined in Section 22. Raccoon may be taken at any hour of the day but only under the restrictions outlined in Section 19 of this proclamation. Shooting hours for mountain lions are outlined in Section 23. All trapping and cable device (snaring) seasons and raccoon hunting shall open at one-half hour before sunrise. Trapping or using a cable device is legal at any hour after the opening.

5. **TRAPS, FIREARMS, ARCHERY EQUIPMENT AND AMMUNITION.**

Small Game: Only firearms, no smaller than .410 caliber nor larger than 10 gauge, loaded with shot and capable of holding no more than three shells, legal archery equipment, and raptors may be used except as otherwise specified. Pistols may not be used to take migratory game birds. A bow must be pulled, held, and released by hand. Any release aid may be used providing it is hand operated, the shooter supports the draw weight of the bow, and the release is not attached to any part of the bow other than at the bowstring. Telescopic sights, range finding devices, battery-powered or electronically lighted sights or other electronic devices attached to the bow, or the arrow, are not permitted. Handheld range finding devices are legal. Arrows capable of causing damage or injury to the animal in excess of that inflicted by the cutting edges of the broadhead, are prohibited while hunting small game with a bow (e.g., explosive arrow points, arrows tipped with drugs or chemicals, and pneumatic or hydraulic shafts are illegal). Arrows must be at least 24 inches long and have at least 2 untrimmed feathers or not less than 5 trimmed feathers when shooting at birds in flight. Raptors may be used only by those possessing a falconry permit. Firearms may not be carried in or on a motor vehicle with a cartridge in the chamber. The entire cylinder of a revolver is considered the chamber, requiring the revolver to be completely unloaded. It is illegal to carry any muzzleloader in or on a motor vehicle with a percussion cap on the nipple or powder in the flash pan.

Paraplegics and/or those having lost the use of one or both arms, having a permit from the Director to hunt with a crossbow, may use such firearm or archery equipment during the small game season. Crossbows must: a) have a peak draw weight of at least 75 pounds and not more than 200 pounds, b) be equipped with a working safety to prevent accidental firing, c) have a stock at least 14 inches long, d) use arrows or bolts at least 14 inches in

length, e) Battery-powered and electronic-lighted sight pins and telescopic sights not exceeding a maximum power of four by thirty-two millimeters may be attached to crossbows used for hunting, and f) crossbow hunters must comply with all other archery equipment regulations listed above.

Non-Toxic Shot: Possession or use of shot other than Federally approved non-toxic shot is prohibited while hunting ducks, geese, sandhill cranes, snipe, tundra swans, mergansers, and coots. Possession of "shot other than non-toxic shot" means in the gun, or in the pockets, or within reach while in the process of hunting ducks, geese, swans, sandhill cranes, snipe, and coots. In addition, all U.S. Fish and Wildlife Service lands (National Wildlife Refuges, Wildlife Development Areas and Waterfowl Production Areas) require non-toxic shot for hunting upland game. For additional information on non-toxic shot use on National Wildlife Refuges contact the refuge manager.

Body-gripping (Conibear) traps and water sets:
State Wildlife Management Areas (WMA's)

Year round the following are allowed:

Body gripping traps greater than 6" inside jaw spread must –

- be in 4" or more of water; or
- be recessed at least 7" in a plastic, wood, or metal cubby with a maximum 50 square inch opening; or
- be recessed at least 10" in a plastic, wood, or metal cubby with a maximum 80 square inch opening.

All Other Lands

From September 1, 2009 through October 25, 2009 the following are allowed:

Body gripping traps greater than 8" inside jaw spread and all water sets (including foothold traps) must –

- be in 4" or more of water; or
- be used in an upland set and recessed at least 10" in a plastic, wood, or metal cubby with a maximum 80 square inch opening.

From October 26, 2009 through January 3, 2010 the following are allowed:

Body gripping traps greater than 8" inside jaw spread must –

- be in 4" or more of water; or
- be used in an upland set and recessed at least 10" in a plastic, wood, or metal cubby with a maximum 80 square inch opening.

From January 4, 2010 through August 31, 2010 the following are allowed:

- No restrictions on the placement of body gripping traps and water sets except for muskrats.

For muskrats only: March 15, 2010 through May 9, 2010 the following are allowed:

- Foothold or colony traps using underwater sets must be in 2" or more of water.
- Only 2" of body gripping trap or cable device (snare) for muskrats can be above the water surface.
- Float sets are prohibited.
- Trapping or using cable devices on the outside of any muskrat house or structure of any size is prohibited.

Written permission is required to trap or use a cable device on private land; the grantor may determine the length of time permission is granted.

Any taken furbearer for which the season is closed must immediately be reported and turned over to the Department.

6. **AREAS CLOSED TO HUNTING.** Federal properties such as refuges, sanctuaries, military installations, parks, or historic sites posted to trespassing and/or hunting are closed to hunting and trapping of all small game and furbearer species. Small game hunting and furbearer hunting and trapping shall be permitted at times and on those areas of federally owned refuges designated by the refuge manager.

A permit from the Director is required to take furbearers on those state wildlife management areas and state easement refuges posted closed to hunting. National parks and historic sites are closed to trapping.

In accordance with N.D.C.C. 20.1-08-04.9, nonresidents shall be prohibited from hunting from October 10, 2009 through October 16, 2009 on Game and Fish Department wildlife management areas or Conservation PLOTS (Private Land Open To Sportsmen) Areas.

7. **WANTON WASTE OF WATERFOWL, MIGRATORY GAME BIRDS, AND UPLAND GAME.** No person shall kill, cripple, waste, destroy, spoil, or abandon the edible flesh of any migratory game bird or upland game without making a reasonable effort to retrieve the bird/animal, and retain it in his/her actual custody, at the place where taken and between that place and either (a) his/her personal permanent residence, (b) taxidermist or (c) a common carrier. Edible flesh means the breast meat of any game bird or the hind legs and lower back of a squirrel.
8. **IDENTIFICATION.** One fully feathered wing or the fully feathered head of all waterfowl, snipe, crane, and woodcock; and one leg and foot, or the fully feathered head, or the fully feathered wing of pheasants, Hungarian partridge, and all grouse shall remain attached to such game during the transportation or shipment to its final place of storage.

9. **TRANSPORTATION AND STORAGE.** License holders must accompany their game, or parts thereof, (excluding hide) during transportation. Game may be shipped by common carrier in receipt of proper bill of lading. No resident of the state may ship game or parts thereof (other than hides) out of state without a permit from the Department. Except for legally gifted game, it is illegal to possess or transport another's game animal or parts thereof (excluding hides) without the license holder accompanying or as otherwise permitted.

No person shall leave or store any game birds at any place other than that person's legal residence unless each piece of game is tagged with the owner's signature and address, date taken, number and species of game, and license number of the person who harvested the game. The packaging of game birds away from a person's legal residence must be in a manner that the species and number of game birds in each package is easily determined.

Game may be gifted to another, however, nothing allows a person to exceed a daily limit. Any gifted game to be transported must be tagged with the above information and display sex and species identification as required. Termination of possession can only be accomplished by: 1) Gifting of legally harvested game. 2) By consuming the game.

No one may possess in the field, transport, or ship at any one time, more than a possession limit of upland game. No one may possess, store, transport or ship at any one time more than a possession limit of migratory game birds.

10. **LICENSES OR SPECIAL PERMITS** shall be issued for each season in a manner and form prescribed by the Director and in accordance with law. Most hunting licenses shall be in the form of a stamp that must be endorsed in ink with the licensee's signature and affixed to the back of the licensee's fishing, hunting, and furbearer certificate. **FEDERAL WATERFOWL STAMP:** No person 16 years of age or older shall hunt, kill, or take any duck, goose, merganser, or swan without having in his/her possession a federal waterfowl stamp for the season and validated by his/her signature written across the face thereof in ink. All migratory game bird hunters must be certified annually through the Harvest Information Program (HIP).

Nonresident Waterfowl Licenses and Zones. Nonresident waterfowl hunters shall be restricted to the following conditions: 1) Statewide waterfowl license holders may hunt in any open zone for 14 consecutive days or 2 periods of 7 consecutive days; 2) Nonresidents may hunt only 14 consecutive days in one designated zone or two periods of 7 consecutive days in one or two different zones; 3) Nonresident waterfowl hunters must have the zone(s) selected and hunting days clearly marked upon their license. Nonresident waterfowl licenses will be issued through the Game and Fish Bismarck office, the internet and by telephone. Nonresidents who designate zones 1 or 2 may hunt that zone for only one 7-day period during the season. Nonresident hunters who have chosen to hunt in zone 1 or 2 and wish to utilize the full 14 consecutive days allowed must use the other 7 days in zone 3.

Nonresidents cannot hunt both zones 1 or 2 during the season. Hunters in zone 3 can hunt that zone the entire 14 days.

Nonresidents, who only hunt waterfowl in North Dakota for one week, and want to maximize hunting opportunities in the state, can choose to run their two 7-day periods at the same time. To do this, hunters must choose either zone 1 or 2, and select zone 3 for the same 7-day period. By designating both of these options for the same week, the 14 day total is met.

ZONE 1. U.S. Highway 281 from South Dakota to Jamestown; U.S. Highway 52 from Jamestown to Carrington; ND Highway 200 from Carrington to Hurdsfield; and ND Highway 3 from Hurdsfield to South Dakota.

ZONE 2. ND Highway 36 from Wilton to Tuttle; ND Highway 3 from Tuttle to Hurdsfield; ND Highway 200 from Hurdsfield to U.S. Highway 52 east of Bowdon; north on U.S. Highway 52 to ND Highway 97 south of Velva; west on ND Highway 97 to ND Highway 41; south on ND Highway 41 (south of Velva) to ND Highway 200 at Turtle Lake; west on ND Highway 200 to ND Highway 200A; south on ND Highway 200A to Washburn; and south on U.S. Highway 83 to Wilton.

ZONE 3. The remainder of the state.

Only North Dakota residents shall be permitted to hunt waterfowl from September 26, 2009 through October 2, 2009 if permitted by federal frameworks. In accordance with state law, nonresidents shall be prohibited from hunting Game and Fish Department Wildlife Management Areas or on Conservation PLOTS (Private Land Open To Sportsmen) areas from October 10, 2009 through October 16, 2009.

11. **LIMITS.** Unlimited numbers of any furbearer may be taken and possessed, unless otherwise specified. Limits on small game species are specified in the following sections.
12. **MALE PHEASANTS** may be taken statewide from October 10, 2009 through January 3, 2010, with the following restrictions:
 - 1) In accordance with N.D.C.C. 20.1-08-04.9, nonresidents shall be prohibited from hunting from October 10, 2009 through October 16, 2009 on Game and Fish Department wildlife management areas or Conservation PLOTS (Private Land Open To Sportsmen) Areas.
 - 2) A delayed opening area in Williams and McKenzie counties starting at a point on the Montana border where the Burlington Northern railroad tracks enter North Dakota, thence east on these tracks to the west boundary of the Trenton Wildlife Management Area (southwest of Trenton), thence south and east on the boundary of the Trenton

WMA to the Missouri River, thence directly across the river, thence west to the Yellowstone River, thence south and west on the Yellowstone River to the Montana border, and thence north to the point of origin where male pheasants may be taken from October 17, 2009 through January 3, 2010.

- 3) Youth Pheasant Season. Legally licensed residents and nonresidents 15 years of age or younger may hunt pheasants statewide on October 3 and 4, 2009. An adult, at least 18 years of age, must accompany the youth pheasant hunter into the field. Any adult accompanying the youth into the field may not carry a firearm and may not hunt any species of wildlife. Bag, possession limit and hunting hours shall be the same as during the regular season.

The daily bag limit shall be 3 and the possession limit 12.

13. **HUNGARIAN PARTRIDGE** may be taken statewide from September 12, 2009 through January 3, 2010. The daily bag limit shall be 3 and the possession limit 12.
14. **SHARP-TAILED GROUSE** may be taken statewide from September 12, 2009 through January 3, 2010 (see **Exception** in following paragraph). The daily bag limit shall be 3 and the possession limit 12.

EXCEPTION: That portion of North Dakota bordered on the west by ND Highway 32, on the north by the Sheyenne River, on the south ND Highway 11 and on the east by the Red and Bois de Sioux Rivers; and an area in Grand Forks County bordered on the east by the Red River, the south by U.S. Highway 2, the west by ND Highway 18 and the north by the Walsh and Grand Forks County line will only be open for sharp-tailed grouse and pinnated grouse (prairie chicken) hunting from October 10, 2009 through October 18, 2009 by permit only. See Section 15 for permit details.

15. **PINNATED GROUSE (Prairie Chicken)** may be taken from October 10, 2009 through October 18, 2009 for the following two units: **South Unit** - that portion of North Dakota bordered on the west by ND Highway 32, on the north by the Sheyenne River, on the south ND Highway 11 and on the east by the Red and Bois de Sioux Rivers; **North Unit** - an area in Grand Forks County bordered on the east by the Red River, the south by U.S. Highway 2, the west by ND Highway 18 and the north by the Walsh and Grand Forks County line. Fifty permits for the North Unit and 30 permits for the South Unit will be issued by lottery. A permit holder may take only two prairie chickens during this special season and each prairie chicken must be tagged immediately upon kill with the Department issued tag.

A permit holder may also take sharp-tailed grouse in the designated areas throughout the 9 day season. The daily limit will be 3 and the possession limit 12. However, once a permit holder harvests two prairie chickens they will no longer be eligible to hunt sharp-tailed grouse or prairie chickens in the designated area.

Permits will only be available for residents who must apply by August 12, 2009. A person may submit only one application. Resident hunters who wish to apply for a permit may do so by sending a post card with their name, address, phone number and choice of hunting unit to: ND Game and Fish Dept.; Attn: Prairie Chicken App.; 100 North Bismarck Expressway; Bismarck, ND 58501. Post cards must be postmarked August 12, 2009 or earlier. Only one individual may apply per post card. The applicants will be selected by drawing. Only those applicants who are drawn for a permit will be notified.

16. **RUFFED GROUSE** may be taken in Bottineau, Rolette, Cavalier, Pembina, and Walsh counties and that portion of J. Clark Salyer National Wildlife Refuge in McHenry County south of the Upham-Willow City road from September 12, 2009 through January 3, 2010. The daily bag limit shall be 3 and the possession limit 12.
17. **SAGE GROUSE** season will be **closed in 2009**.
18. **TREE SQUIRRELS** may be taken statewide from September 12, 2009 through January 3, 2010. Tree squirrels may be taken with shotguns, rimfire and muzzleloading firearms, or with bow and arrows legal for the taking of upland game. The daily bag limit shall be 4 and the possession limit 12.
19. **BEAVER AND RACCOON** may be taken with firearms, traps, underwater cable devices (snare), and archery equipment (including crossbows) statewide and year round. The season will officially close March 31 and reopen April 1 of each year. Cable devices may be used on land November 21, 2009 through May 9, 2010. From March 15, 2010 through May 9, 2010, cable devices must be within 50 feet of water; they must be no greater than 4 inches off the ground and they must have a stop restricting loop size to 12 inches or less in diameter. Cable devices must possess a lock or breakaway device that has been tested to break or disassemble at no more than 350 lbs. pull.

Beaver dams may be partially or completely dismantled when their presence causes property damage.

Raccoon may be taken with dogs statewide and year round. Raccoon may also be taken at any hour of the day, while hunting on foot, with the aid of a flashlight with a power source of not more than 6 volts. A red or amber filter must be placed over the light except when taking a raccoon treed or at bay. The use of auto headlights, spotlights, and lights other than a flashlight with a power source of not over 6 volts as an aid in taking raccoon is prohibited. Legal firearms for flashlight hunting of raccoon are rifles or handguns firing a rimfire cartridge no larger than .22 caliber long rifle or shotguns no larger than .410 gauge. Rifled slugs are not legal.

20. **WEASEL, MINK, AND MUSKRAT.**

Weasel

May be taken statewide with traps only from October 24, 2009 through March 14, 2010.

Cable devices (snares) may be used statewide from November 21, 2009 through March 14, 2010.

May be hunted statewide with rimfire cartridges of .22 caliber or smaller, muzzleloaders of .45 caliber or smaller, and longbows and crossbows from October 24, 2009 through March 14, 2010.

Mink

May be taken statewide with traps only from October 24, 2009 through March 14, 2010.

Cable devices (snares) may be used statewide from November 21, 2009 through March 14, 2010.

May be hunted statewide with rimfire cartridges of .22 caliber or smaller, muzzleloaders of .45 caliber or smaller, and longbows and crossbows from November 21, 2009 through March 14, 2010.

Muskrat

May be taken statewide with traps only from October 24, 2009 through March 14, 2010. Muskrat huts may be opened for insertion of traps or cable devices (snares), however, the huts must be restored to their approximate original condition to prevent freeze-up.

Cable devices may be used statewide from November 21, 2009 through March 14, 2010. Muskrat huts may be opened for insertion of traps or cable devices, however, the huts must be restored to their approximate original condition to prevent freeze-up.

May be trapped statewide with foothold traps or colony traps using underwater sets that are at least 2 inches under water or trapped with body gripping traps or cable devices with no more than 2 inches of the body gripping trap or cable device above the water surface from March 15, 2010 through May 9, 2010. During this time period, float sets are prohibited, and trapping or using cable devices on the outside of any muskrat house or structure of any size is prohibited.

May be hunted statewide with rimfire cartridges of .22 caliber or smaller, muzzleloaders of .45 caliber or smaller, and with archery equipment from November 21, 2009 through May 9, 2010.

21. **BOBCAT** may be hunted with firearms, archery equipment (including crossbows), and dogs, or trapped, from November 7, 2009 through March 14, 2010 and the use of a cable device (snare) for bobcats will be from November 21, 2009 through March 14, 2010. The season shall be open only in the area south and west of the Missouri River. The pelt and carcass of each bobcat must be presented to Game and Fish Department personnel for inspection and tagging no later than 14 days after the close of the season, or prior to sale or transfer of possession, whichever comes first. No bobcat pelt will be tagged until the animal is skinned and presented with the intact carcass. The carcass shall remain the property of the Department. No person, taxidermist, or fur dealer shall possess or purchase an untagged bobcat. When any part of the animal is mounted, if the tag is removed from the pelt, the tag must be securely fastened to the back or bottom of the mount and remain there.

Pelt tags are available from the U.S. Fish and Wildlife Service to be used on the pelts of captive born and raised lynx in North Dakota. Documented proof must be presented to establish that the individual lynx are from an established breeding colony, and that the individual lynx are off-spring of captive lynx (at least F2 generation in captivity).

22. **RED FOX, GRAY FOX, COYOTE AND BADGER** may be taken with firearms, traps, archery equipment (including crossbows), and dogs statewide and year round. The season will officially close March 31 and reopen April 1 of each year. Cable devices (snare) may be used statewide from November 21, 2009 through March 14, 2010.

Red Fox, Gray Fox, and Coyotes may be hunted at any hour of the day from November 23, 2009 through March 14, 2010. Any person who engages in the hunting of red fox, gray fox, or coyotes during the time from ½ hour after sunset to ½ hour before sunrise, must hunt exclusively on foot and use a predator call. The use of a spotlight or any other artificial light is prohibited.

23. **MOUNTAIN LION.**

North Dakota residents may harvest mountain lions statewide from September 4, 2009 through March 31, 2010. Shooting hours will be one half (½) hour before sunrise to one half (½) hour after sunset and any legal firearm or archery equipment currently allowed for furbearers is legal. No hunting or pursuing with dogs will be allowed until December 1, 2009. Cable devices (snare) and traps cannot be used to take mountain lions. Any mountain lion other than kittens (lions with visible spots) or females accompanied by kittens may be taken during the season. The limit for mountain lions is one animal per hunter per season. A quota of 8 mountain lions will be allowed in Zone 1. Zone 1 includes land south of ND Highway 1804 from the Montana Border to the point where ND Highway 1804 lies directly across Lake Sakakawea from ND Highway 8, crossing Lake Sakakawea then south along ND Highway 8 to ND Highway 200, then west on ND Highway 200 to U.S. Highway 85, then south on U.S. Highway 85 to the South Dakota Border. Zone 2 is the remainder of the state not described as Zone 1. See Figure 1 for illustrated boundaries. Once this quota

is reached, the season will be closed immediately. The North Dakota Game and Fish Department will inform the public through press releases, public service announcements, and media contacts of this closure. Mountain lions included in the Zone 1 quota are those taken by a legally licensed hunter using approved firearms or archery equipment in a designated season. This quota will not include lions taken by USDA Wildlife Services, North Dakota Game and Fish Department, private landowners in defense of livestock, road killed animals, animals taken by traps or cable devices, animals taken for human safety issues and those taken on Indian land. There will be no quota in Zone 2 and the season will remain open until March 31, 2010. Any mountain lion that is taken must be reported to the Department within 12 hours and the entire intact animal must be submitted for analysis. Legally taken animals will be returned to the hunter following analysis.

24. **CABLE DEVICES (SNARES).**

- Use of cable devices (snares) is permitted on state wildlife management areas and federal waterfowl production areas after the close of the small game season through March 14, 2010.
- A metal or plastic tag must be attached to each cable device. This tag must display the trapper's name, address, and telephone number.
- Written permission must be secured from the landowner prior to placing or setting cable devices on private land; the grantor may determine the length of time permission is granted.
- Use of relaxing cable devices is permitted. One stop must be affixed to each cable device on land to prevent the loop from opening to a diameter greater than 12 inches.
- Cable devices cannot be placed or set in the field prior to the opening date or remain set or placed in the field after the closing date of the cable device season for the respective species.
- All cable devices must be affixed to an immovable object solidly attached to the ground. The use of drags is prohibited.
- Cable devices must be set so that the bottom of the loop is no greater than 12 inches from the ground; or when the ground is snow covered, no greater than 12 inches above the bottom of an adult's footprint in the snow beneath the cable device with the full body weight on the foot.
- Cable devices must be constructed of single-strand (1x19) or multi-strand (7x7) or (7x19) carbon or stainless steel cable of 1/16" diameter or larger.
- Cable devices must possess a lock or breakaway device that has been tested to break or disassemble no more than 350 lbs. pull. The following is a list of commercially

manufactured and available devices, locks or parts that have been tested and meet the requirements (as manufactured by the company): 1) Hopkin S-hook, 2) Gregerson “leg snare” and “neck snare”, 3) Kelly (Amberg), 4) Snare Shop ND lock and stop system, 5) Grawe’s 12 ga bullet lock snare with release, 6) Sullivan Breakaway S-hook,

- Those devices, locks or parts previously tested that have met the requirements but are no longer commercially available, are still legal to use in North Dakota.
 - Individuals that are self-assembling cable devices from components must assume liability and responsibility for ensuring that the devices, locks or parts break or disassemble at 350 lbs. or less.
25. **PROTECTED FURBEARERS.** The season for lynx (*Lynx canadensis*), gray wolf (*Canis lupus*), swift fox (*Vulpes velox*), black bear (*Ursus americanus*), wolverine (*Gulo gulo*), American marten (*Martes americana*), river otter (*Lontra canadensis*), and fisher (*Martes pennanti*) shall remain closed.

No live furbearing animal may be taken from the wild or possessed alive by nonresidents. Residents must first have a valid non-traditional livestock license for that purpose issued by the Board of Animal Health.

26. **AIRCRAFT, MOTOR-DRIVEN VEHICLES, AND LIGHTS.**

It is illegal to drive, concentrate, rally, raise, stir up, spot, or disturb game with aircraft.

It is illegal to shoot with bow and arrow or firearm while in or on a motor-driven vehicle, except as otherwise provided by law.

It is illegal to carry a firearm in or on a motor-driven vehicle with a cartridge in the chamber, except as otherwise provided by law. The entire cylinder of a revolver is considered the chamber, requiring the revolver to be completely unloaded. It is illegal to carry any muzzleloading firearm in or on a motor-driven vehicle with a percussion cap on the nipple or powder in the flash pan.

No person may use motor-driven vehicles on North Dakota Game and Fish Department Conservation PLOTS (**P**riate **L**and **O**pen **T**o **S**portsmen) property without written permission from the landowner or as otherwise signed by the Department. These areas have been entrusted to the public for walking access through written agreements by private landowners. The boundaries of these properties are delineated in the North Dakota Game and Fish Department’s annual PLOTS Guide and on-site by large yellow triangular signs.

Use of night vision equipment, electronically enhanced light gathering optics or thermal imaging equipment for locating or hunting game is prohibited.

MOTOR-DRIVEN VEHICLES AND AIRCRAFT IN THE TAKING OF FURBEARERS.

It is illegal to drive vehicles off established roads and trails during the deer gun season while attempting to take furbearers with firearms, archery equipment, and dogs. Aircraft may not be used to take coyotes, fox, or any other furbearer, without a special permit.

27. **EXPOSED BAIT.** It is illegal to place traps or cable devices (snares) within 25 feet of any sight-exposed bait. Sight-exposed bait is defined as any bait weighing in excess of one pound, composed of animal flesh, fur, hide, entrails, or feathers placed in such a manner that it can be seen by a soaring hawk, owl, or eagle.
28. **SANDHILL CRANE UNITS:** There shall be two management units for regulating the harvest of sandhill cranes in 2009. The two units are:

Unit 1. That portion of North Dakota lying west of U.S. Highway 281. In Unit 1, sandhill cranes may be taken from September 19, 2009 through November 15, 2009. The daily bag limit shall be 3 cranes and the possession limit 6 cranes.

Unit 2. That portion of North Dakota lying east of U.S. Highway 281. In Unit 2, sandhill cranes may be taken from September 19, 2009 through October 25, 2009. The daily bag limit shall be 2 cranes and the possession limit 4 cranes.

Hunters may not aggregate daily bag or possession limits from the two units.

To hunt sandhill cranes, each hunter must possess a general game and habitat license, a small game or waterfowl license (excepting those under 16 years of age), and a \$5.00 sandhill crane hunting permit available from the North Dakota Game and Fish Department's Bismarck office. Nonresident sandhill crane hunters using a waterfowl license must hunt only in their waterfowl zone (Exception: nonresidents using a statewide waterfowl license). Those nonresidents using a small game license can hunt in either crane unit.

It is illegal to shoot from open water or from a boat or other floating vessel in open water while hunting sandhill cranes.

29. **DOVES** may be taken statewide from September 1, 2009 through October 30, 2009. The daily limit shall be 15 and the possession limit 30.
30. **CROWS** may be taken statewide from August 8, 2009 through October 18, 2009, and from March 13, 2010 through April 25, 2010. There shall be no limit on the number of crows taken. In addition to the crow season, crows may be taken when committing or about to commit depredations as specified in federal law (50 CFR 21.43).
31. **SNIPE** may be taken statewide September 19, 2009 through December 6, 2009. The daily bag limit shall be 8 and the possession limit 16.

32. **WOODCOCK** may be taken statewide September 19, 2009 through November 2, 2009. The daily bag limit shall be 3 and the possession limit 6.
33. **SPECIAL EXTENDED FALCONRY SEASON.** Licensed falconers possessing the appropriate North Dakota licenses may hunt resident game species from August 1, 2009 through March 14, 2010. Bag and possession limits shall be the same as for gun hunting during the regular season. During the extended season for resident species, the daily bag limit shall be 1 in aggregate and the possession limit shall be 2 in aggregate for all legal resident game species.

Licensed falconers possessing the appropriate North Dakota hunting licenses and a federal migratory hunting stamp may hunt legal migratory game birds during the regular gun hunting seasons. In addition, licensed falconers may hunt snipe, ducks, mergansers and coots from September 7, 2009 through September 11, 2009 and September 14, 2009 through September 18, 2009. The bag and possession limits for all permitted migratory birds shall not exceed 3 and 6 birds, respectively, singly or in aggregate, during both regular hunting seasons and extended falconry seasons.

It shall be illegal for falconers to have uncased firearms in their possession while in the field during these extended seasons.

34. **TUNDRA SWANS** may be taken statewide October 3, 2009 through January 3, 2010. A total of 2,200 licenses will be available and issued through a lottery. Successful applicants will be allowed to take one swan during the season. The Department will accept lottery applications through August 19, 2009. A person may submit only one application. North Dakota residents and nonresidents shall be eligible to apply.

Immediately upon retrieving a swan, the hunter must indicate the date of kill by cutting out the appropriate month and day from the tag provided with the license, and attach it around the leg of the swan in an exact manner as described on the tag backing, to prevent its removal. In no case is it legal to possess a swan unless it is properly tagged. The tag shall remain with the carcass until March 31, 2010 or until the meat is consumed.

35. **EARLY SEPTEMBER CANADA GOOSE SEASON/ZONES.** There shall be 2 zones for early Canada goose hunting. These zones are:

1) Missouri River Canada Goose Zone.

All areas within the following description: Starting where ND Highway 6 crosses the South Dakota border; thence north on ND Highway 6 to Interstate 94; thence west on Interstate 94 to ND Highway 49; thence north on ND Highway 49 to ND Highway 200; thence north on Mercer Co. 21 to the section line between sections 8 and 9 (T146N-R87W); thence north on that section line to the southern shoreline of Lake Sakakawea; thence east along the southern shoreline of Lake Sakakawea

(including Mallard Island) to U.S. Highway 83; thence south on U.S. Highway 83 to ND Highway 200; thence east on ND Highway 200 to ND Highway 41; thence south on ND Highway 41 to U.S. Highway 83; thence south on U.S. Highway 83 to Interstate 94; thence east on Interstate 94 to U.S. Highway 83; thence south on U.S. Highway 83 to the South Dakota border; thence west on the South Dakota border to ND Highway 6. See Figure 2 for illustrated boundaries.

Canada geese may be taken from the Missouri River Canada Goose Zone from August 15, 2009 through September 7, 2009.

2) Remainder of the state not included in the Missouri River Canada Goose Zone.

Canada geese may be taken throughout the rest of the state from August 15, 2009 through September 15, 2009.

The daily limit shall be 5 Canada geese. The possession limit shall be 10 Canada geese.

Hunters may not aggregate daily or possession limits from the two zones.

To hunt this Canada goose season each hunter must possess the licenses and certification required to hunt waterfowl in North Dakota (Section 10).

36. VIOLATIONS AND PENALTIES.

Possession or use of shot other than "non-toxic shot" in a restricted area or while hunting those species listed in Section 5. (Section 5)--penalty - noncriminal - \$100.

Failure to register for the Harvest Information Program. (Section 10) --penalty - noncriminal - \$25.

Hunting migratory game birds or upland game with shotgun capable of holding more than three shells. (Section 5)--penalty - noncriminal - \$25.

Failure to sign or affix stamps to the licensee's fishing, hunting, and furbearer certificate (Section 10)--penalty - noncriminal - \$25.

Failure to have in possession a Federal Waterfowl Stamp (Section 10) -- penalty - noncriminal - \$175.

Failure to leave one fully feathered wing or the fully feathered head of all waterfowl, crane, tundra swans, snipe, woodcock, dove, and one leg and foot or the fully feathered head or wing of pheasants, Hungarian partridge, and all grouse attached during the transportation or shipment to final place of storage (Section 8)--penalty - noncriminal - \$50.

Failure to accompany one's own game during transportation or transporting another's game (Section 9)--penalty - noncriminal - \$100.

No person may keep or carry in or on any motor-driven vehicle any firearm with a cartridge in the chamber while hunting game birds or game animals (Section 26)--penalty - \$100.

Placing traps within 25 feet of any sight exposed bait (Section 27)--penalty - non-criminal - \$100.

Failure to restore a muskrat hut to its approximate original condition (Section 20)--penalty - noncriminal - \$50.

Wanton waste of migratory birds and upland game (Section 7) -- 1 to 5 birds/animals, penalty - noncriminal - \$50 per bird/animal, in excess of 5 birds/animals - Class B misdemeanor.

Exceeding daily bag limit of small game (Section 12, 13, 14, 15, 16 and 18)--1 in excess of the daily limit, penalty - noncriminal - \$100. A second bird or second violation within one year shall be a Class B misdemeanor.

Hunting before or after legal hours (Section 4) up to 30 minutes--penalty - noncriminal - \$100. In excess of 30 minutes - Class B misdemeanor.

Use of a motor-driven vehicle in a restricted area (Section 26)--penalty - noncriminal - \$50.

Taking wrong sex upland game bird (Section 12)--penalty - noncriminal \$100 for the first bird. In excess of one bird - Class B Misdemeanor.

Failure to package or label packages as required (Section 9) -- penalty - noncriminal - \$50.

GIVEN UNDER MY HAND and the Great Seal of the State of North Dakota this
____ 3rd ____ day of August 2009.

/s/
John Hoeven
Governor

Attest:

/s/
Secretary of State

Deputy

Figure 1. 2009-2010 Mountain Lion Management Zones.

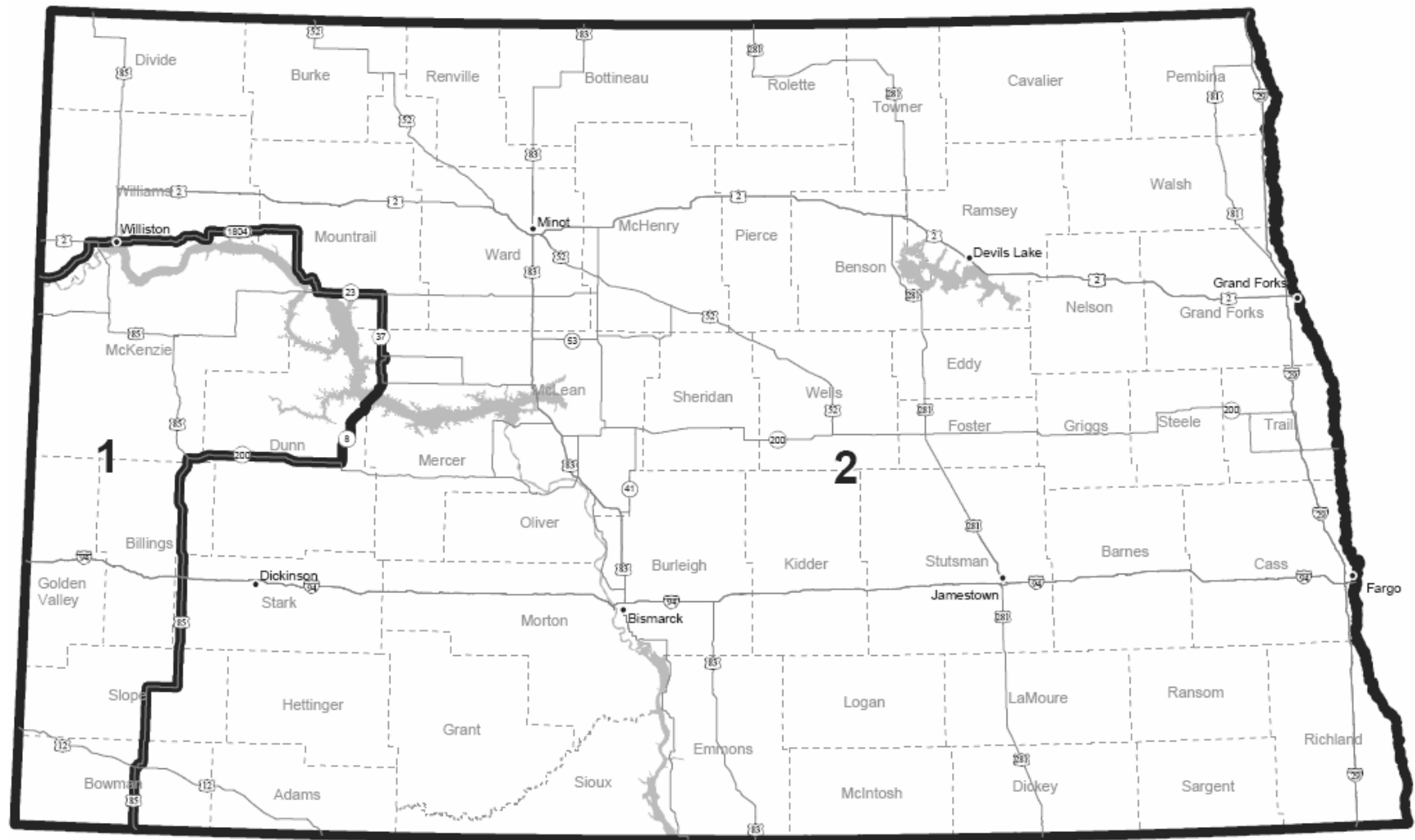


Figure 2. 2009 Missouri River Canada Goose Zone.

